

REMARKS

This is in full and timely response to the above-identified Office Action. Reexamination and reconsideration in light of the proposed amendments and the following remarks are respectfully requested.

The Drawings

In the previous response, the specification was been amended to eliminate the use of "Figure 1" on page 7, and claim 10 was been amended to remove the reference to an "arc tube". These corrections overcame the objections raised in connection with the drawings under 37 CFR §§ 1.83(a) and 1.84(u). It is assumed that the repetition of the same objection to the drawings in this Office action is a mere oversight.

Claim Amendments

In this response, it is proposed to amend claims 1 and 12. More specifically, it is proposed to amend claim 1 to assume partially closed form, while it is proposed to amend claim 12 to call for a single reflective layer. Withdrawn method claim 17, has also been amended so that it corresponds to claim 12 in content and should therefore be also allowed in accordance with the allowed along therewith.

Withdrawn Claims

Attention is again called to the notice published in *Official Gazette* on March 26, 1996 which established guidelines for treatment of product and process claims in light of *In re Ochiai* and *In re Brouwer*. In this notice, applicants are in fact encouraged to present such process claims in the application at an early stage of prosecution. Process claims which depend from or otherwise include all the limitations of a patentable product claim will be entered as a matter of right if the amendment is presented prior to final rejection.

Reconsideration and withdrawal of the holding that claims 17-20 are patentably distinct based on the class/subclass arguments advanced on page 2 of this Office Action, are respectfully requested.

Rejections under 35 USC § 102

The rejection of claims 1-16 under 35 US § 102(b) as being anticipated by Kaduk et al., is respectfully traversed.

Kaduk et al. teach the provision of four layers 9, 10, 11 and 12. Layer 9 is a thin clear layer formed of TiO_2 . Layer 10 is a reflective layer which is formed of particulate TiO_2 . Layer 11 is an undercoat which can comprise a mixture of $\text{MgO}/\text{Al}_2\text{O}_3$, and layer 12 is a phosphor coating.

The position taken by the Patent Office renders it such that Kaduk et al. must be taken as disclosing two reflective layers. That is to say, the TiO_2 layer which is specifically disclosed as being a reflective layer and the $\text{MgO}/\text{Al}_2\text{O}_3$ layer which this Office Action insists is known to be reflective per se.

Claim 1 distinguishes over this by permitting only one reflective layer, while the second independent claim 12 distinguishes over the same by reciting a single light transmissive and UV reflecting layer is disposed on the inner surface of the lamp envelope. As will be appreciated, the use of a single layer simplifies production and reduces the cost of the final product.

The Kaduk et al. reference cannot meet these requirements because, if the position taken by the PTO in this rejection is correct – there are two reflective layers in the Kaduk et al. arrangement in the location where the claims permit only one.

It is respectfully requested that the Examiner enter the amendments proposed in connection with claims 1 and 12 and allow the application along with the pending method claims. If not, the Applicants must request, in accordance with MPEP 2144.03, that the Examiner present references to substantiate the position that a) the claimed $\text{MgO}/\text{Al}_2\text{O}_3$, is known to be a reflective material and 2) that the $\text{MgO}/\text{Al}_2\text{O}_3$ layer in Kaduk et al. is inherently reflective.

More specifically, the Applicants seasonably challenges the veracity of these positions. This is the first time in the prosecution of this application that either of these assertions has been advanced and as such the Applicants seasonably challenge the

same in accordance with MPEP 2144.03. The Examiner is thus requested to furnish a reference or references which demonstrate that MgO/Al₂O₃ layer is 1) known to be UV reflective and further that 2) it will produce this effect each and every time that it is used and thus posses these alleged inherent properties.

Conclusion

It is respectfully submitted that all of the pending claims are patentable over the cited reference. Favorable reconsideration and allowance of this application is courteously solicited.

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